

AP 1635
PTO/SB/21 (09-04)
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/708786
	Filing Date	11/08/2000
	First Named Inventor	Agrawal
	Art Unit	1635
	Examiner Name	Terra C. Gibbs
	Attorney Docket Number	47508.700US2
Total Number of Pages in This Submission		

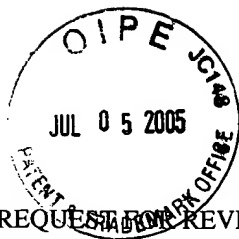
ENCLOSURES (Check all that apply)		
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Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP		
Signature			
Printed name	James T. Olesen		
Date	06/30/2005	Reg. No.	46,967

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APPL. NO. 09/708,786
PRE-APPEAL BRIEF REQUEST FOR REVIEW

ATTY. DOCKET NO. 47508.700US2 (HYZ-700US2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/708,786
Applicant: : Sudhir Agrawal
Filed : November 8, 2000
TC/A.U. : 1635
Examiner : Terra C. Gibbs
Docket No : 47508.700US2/HYZ-700US2
For : *Potentiation of Prodrug Efficacy*

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

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Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action dated January 4, 2005, Applicant submits the following Request for PRE-APPEAL BRIEF REQUEST FOR REVIEW per the United States Patent and Trademark Office's new pilot program for pre-appeal brief panel review (described in <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/preappealbrief062105.pdf>). The time for responding to this Action has been extended to July 4, 2005 by the accompanying petition for a one-month extension of time and payment of fee.

Applicant hereby appeals to the Board of Appeals from the decision of the Patent Examiner dated January 4, 2005 finally rejecting claims 1, 2, 5, 6, 8-11, 14, 15, 17-20, 23, 24 and 26-37 of the above-identified application and from the Advisory Action of the Patent Examiner dated June 17, 2005 reaffirming the rejection of claims 1, 2, 5, 6, 8-11, 14, 15, 17-20, 23, 24 and 26-37. Applicant's standardized Notice of Appeal is included herein.

Applicant further hereby requests a pre-appeal brief panel review of the Examiner's objections of record. Applicant respectfully requests review through this pre-appeal brief process following the anticipated July 14, 2005 date of initiation of this program. We further note that a contact at the United States Patent and Trademark Office stated that the official form for submitting this request (PTO/SB/33) will not be available until the commencement of the program. Accordingly, Applicant is submitting this non-standardized request.

Applicant hereby respectfully requests review of the Examiner's assertion that the Koike *et al.* (1997) reference teaches an "oligonucleotide", as well as the Examiner's assertion that "statistically significant" is indefinite and that there is no written descriptive support for a "CPT-11 analog". Applicant refers to its arguments of record in the Response and Amendment filed June 2, 2005 (see pages 8-14 of that Amendment). Applicant will provide further succinct, concise and focused arguments in support of this action pending a favorable decision on this pre-appeal brief request for panel review.

CONCLUSION

Applicant has included herewith a Notice of Appeal and a Petition for Extension of the Time and has authorized payment of the fees in connection therewith. Although Applicant believes that no further fees are due at this time in connection with this Request for Panel

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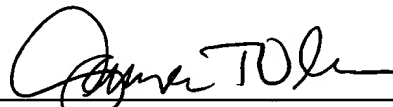
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Review, the Commissioner is hereby authorized to charge any additional fee(s), or to credit any overpayment, to Deposit Account No. 08-0219.

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

Date: June 30, 2005

A handwritten signature in black ink, appearing to read "James T. Olesen", is written over a horizontal line.

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